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9 **BEFORE THE**
10 **BOARD OF PHARMACY**
11 **DEPARTMENT OF CONSUMER AFFAIRS**
12 **STATE OF CALIFORNIA**

13 In the Matter of the Accusation Against:

Case No. 7223

14 **ADVANTAGE HEALTH CARE HIV &**
15 **COMPOUNDING INC.,**
16 **DBA GARDEN GROVE COMMUNITY**
17 **PHARMACY, VIMAL BHANVADIA AND**
18 **SHEKHA DASHRATH PATEL,**
19 **OFFICERS AND SHAREHOLDERS**
20 **12665 Garden Grove Blvd., Ste. 108**
21 **Garden Grove, CA 92843**

ACCUSATION

22 **Pharmacy Permit No. PHY 51109,**

23 **and**

24 **SHEKHA DASHRATH PATEL**
25 **12665 Garden Grove Blvd., Ste. 108**
26 **Garden Grove, CA 92843**

27 **Pharmacist License No. RPH 60337**

28 Respondents.

In the Matter of the Statement of Issues
Against:

Case No. 7210

AHCS SPECIALTY CARE, LLC

Applicant for Pharmacy Permit

STATEMENT OF ISSUES

Respondent.

In the Matter of the Statement of Issues
Against:

Case No. 7211

STATEMENT OF ISSUES

**ADVANTAGE HEALTH CARE
SERVICES-MISSION INC., DBA
MISSION PLAZA PHARMACY 3**

Applicant for Pharmacy Permit

Respondent.

PARTIES

1. Anne Sodergren (Complainant) brings the Accusation and Statement of Issues solely in her official capacity as the Executive Officer of the Board of Pharmacy, Department of Consumer Affairs.

2. On or about November 19, 2012, the Board of Pharmacy issued Pharmacy Permit Number PHY 51109 to Advantage Health Care HIV & Compounding Inc., dba Garden Grove Community Pharmacy and identified Vimal Bhanvadia as the president and twenty percent shareholder of Advantage Health Care HIV & Compounding, Inc. and Shekha Dashrath Patel as the Vice-President, Pharmacist-in-Charge and twenty percent shareholder of Advantage Health Care HIV & Compounding, Inc. (Garden Grove Community Pharmacy). The Pharmacy Permit was in full force and effect at all times relevant to the charges brought herein and will expire on November 1, 2022, unless renewed.

3. On or about October 10, 2007, the Board of Pharmacy issued Pharmacist License Number RPH 60337 to Shekha Dashrath Patel. The Pharmacist License was in full force and effect at all times relevant to the charges brought herein and will expire on September 30, 2023, unless renewed.

4. On or about January 22, 2021, the Board received an application for a pharmacy permit from Advantage Health Care Services-Mission, Inc., dba Mission Plaza Pharmacy 3 with Vimal Bhanvadia identified as a fifteen percent shareholder and officer and Shekha Dashrath Patel identified as a fourteen percent shareholder and director. On or about October 8 and 13, 2020, Shekha Dashrath Patel and Vimal Bhanvadia certified under penalty of perjury to the

1 truthfulness of all statements, answers, and representations in the application. On or about
2 September 30, 2021, the Board denied Advantage Health Care Services-Mission, Inc.'s
3 application.

4 5. On or about February 16, 2021, the Board received an application for a pharmacy
5 permit from AHCS Specialty Care, LLC, with Vimal Bhanvadia identified as a manager of
6 AHCS Specialty Care, LLC. On or about October 23, 2020, Vimal Bhanvadia certified under
7 penalty of perjury to the truthfulness of all statements, answers, and representations in the
8 application. On or about September 30, 2021, the Board denied AHCS Specialty Care, LLC's
9 application.

10 **JURISDICTION**

11 6. The Accusation and Statements of Issues are brought before the Board of Pharmacy
12 (Board), Department of Consumer Affairs, under the authority of the following laws. All section
13 references are to the Business and Professions Code (Code) unless otherwise indicated.

14 7. Code section 4011 provides that the Board shall administer and enforce both the
15 Pharmacy Law (Bus. & Prof. Code, § 4000 *et seq.*) and the Uniform Controlled Substances Act
16 (Health & Safety Code, § 11000 *et seq.*).

17 8. Code section 4300, subdivision (a) provides that every license issued by the Board
18 may be suspended or revoked.

19 9. Code section 4300, subdivision (c) states:

20 The board may refuse a license to any applicant guilty of unprofessional
21 conduct. The board may, in its sole discretion, issue a probationary license to any
22 applicant for a license who is guilty of unprofessional conduct and who has met all
23 other requirements for licensure. . .

24 10. Code section 4300.1 states:

25 The expiration, cancellation, forfeiture, or suspension of a board-issued license
26 by operation of law or by order or decision of the board or a court of law, the
27 placement of a license on a retired status, or the voluntary surrender of a license by a
28 licensee shall not deprive the board of jurisdiction to commence or proceed with any
investigation of, or action or disciplinary proceeding against, the licensee or to render
a decision suspending or revoking the license.

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“Dangerous drug” or “dangerous device” means any drug or device unsafe for self-use in humans or animals, and includes the following:

(b) Any device that bears the statement: “Caution: federal law restricts this device to sale by or on the order of a _____” “Rx only,” or words of similar import, the blank to be filled in with the designation of the practitioner licensed to use or order use of the device.

12. Code section 4043 states:

13. Code section 4059.5, subdivision (a) states:

14. Code section 4113, subdivision (c) states:

15. Code section 4160, subdivision (a) states:

16. Code section 4169, subdivisions (a)(1) and (a)(4) state:

(1) Purchase, trade, sell, warehouse, distribute, or transfer dangerous drugs or

dangerous devices at wholesale with a person or entity that is not licensed with the board as a wholesaler, third-party logistics provider, or pharmacy.

(2) Purchase, trade, sell, or transfer dangerous drugs that the person knew or reasonably should have known were adulterated, as set forth in Article 2 (commencing with Section 111250) of Chapter 6 of Part 5 of Division 104 of the Health and Safety Code.

...

17. Code section 4300, subdivision (c) of the Code states, in pertinent part:

The board may refuse a license to any applicant guilty of unprofessional conduct. The board may, in its sole discretion, issue a probationary license to any applicant for a license who is guilty of unprofessional conduct and who has met all other requirements for licensure.

18. Code section 4301 states in pertinent part:

The board shall take action against any holder of a license who is guilty of unprofessional conduct or whose license has been procured by fraud or misrepresentation or issued by mistake. Unprofessional conduct shall include, but is not limited to, any of the following:

...

(j) The violation of any of the statutes of this state, or any other state, or of the United States regulating controlled substances and dangerous drugs

...

(o) Violating or attempting to violate, directly or indirectly, or assisting in or abetting the violation of or conspiring to violate any provision or term of this chapter or of the applicable federal and state laws and regulations governing pharmacy, including regulations established by the board or any other state or federal regulatory agency.

...

19. Code section 4302 states:

The board may deny, suspend, or revoke any license where conditions exist in relation to any person holding 10 percent or more of the ownership interest or where conditions exist in relation to any officer, director, or other person with management or control of the license that would constitute grounds for disciplinary action against a licensee.

20. Code section 4306.5, subdivision (a) states:

Unprofessional conduct for a pharmacist may include any of the following:

Acts or omissions that involve, in whole or in part, the inappropriate exercise of his or her education, training, or experience as a pharmacist, whether or not the act or omission arises in the course of the practice of pharmacy or the ownership, management, administration, or operation of a pharmacy or other entity licensed by

the board.

21. Code section 4307, subdivision (a) states:

Any person who has been denied a license or whose license has been revoked or is under suspension, or who has failed to renew his or her license while it was under suspension, or who has been a manager, administrator, owner member, officer, director, associate, or partner of any partnership, corporation, firm, or association whose application for a license has been denied or revoked, is under suspension or has been placed on probation, and while acting as the manger, administrator, owner, member, officer, director, associate, or partner had knowledge or knowingly participated in any conduct for which the license was denied, revoked, suspended, or placed on probation, shall be prohibited from serving as a manger, administrator, owner, member, officer, director, associate, or partner of a licensee as follows:

(1) Where a probationary license is issued or where an existing license is placed on probation, this prohibition shall remain in effect for a period not to exceed five years.

(2) Where the license is denied or revoked, the prohibition shall continue until the license is issued or reinstated.

22. Health and Safety Code section 111255 states:

Any drug or device is adulterated if it has been produced, prepared, packed, or held under conditions whereby it may have been contaminated with filth, or whereby it may have been rendered injurious to health.

23. Health and Safety Code section 111295 states:

It is unlawful for any person to manufacture, sell, deliver, hold or offer for sale any drug or device that is adulterated.

COST RECOVERY

24. Section 125.3 of the Code provides, in pertinent part, that the Board may request the administrative law judge to direct a licentiate found to have committed a violation or violations of the licensing act to pay a sum not to exceed the reasonable costs of the investigation and enforcement of the case.

DRUGS

25. Biktarvy is a high priced drug used to treat Human Immunodeficiency Virus (HIV) and a dangerous drug as defined by Business and Professions Code section 4022.

26. Genvoya is a high priced drug used to treat HIV and a dangerous drug as defined by Business and Professions Code section 4022.

27. Truvada is a high priced drug used to treat HIV and a dangerous drug as defined by Business and Professions Code section 4022.

28. Triumeq is a high priced drug used to treat HIV and is a dangerous drug as defined by Business and Professions Code section 4022.

FACTUAL ALLEGATIONS

29. Garden Grove Community Pharmacy is an open door, retail community pharmacy located in Garden Grove, California. It dispenses high value, HIV medications to patients throughout California.

30. Shekha Dashrath Patel is the Pharmacist-in-Charge and a partial owner and officer of the corporation that owns Garden Grove Community Pharmacy. Vimal Bhanvadia manages finances and creates accounts with wholesalers for the pharmacy and is a partial owner and officer of the corporation that owns Garden Grove Community Pharmacy.

31. Premier Rx Wholesale is a wholesaler located at 4637 Interstate Drive, Cincinnati, Ohio 45246, and holds an out of state distributor license (OSD 7553) with the Board. In 2019-2020, its identity was stolen and its license used to sell HIV drugs obtained from unknown and highly suspicious sources on the secondary market.

32. Garden Grove Community Pharmacy claimed to have “extensive protocols in place to verify [its] secondary wholesalers, including verification on the BOP website, which is conducted quarterly to ensure that the drug products we purchase are unadulterated.”

33. Yet, on or about March 8, 2019, Garden Grove Community Pharmacy did not require Premier Rx Wholesale LLC to submit an application, nor did Garden Grove Community Pharmacy verify all of the information listed for Premier Rx Wholesale LLC on the Board’s website and the out of state distributor license, including confirming the physical address, telephone number and email address for Premier Rx Wholesale LLC and resolving any discrepancies between the information provided by Premier Rx Wholesale LLC and the information on the Board’s website and Premier Rx Wholesale LLC’s license.

34. From March 22, 2019 to May 26, 2020, Garden Grove Community Pharmacy purchased 9,170 medication packages of the HIV drugs, Genvoya, Biktarvy, Truvada, Triumeq and others from individuals or an organization using the name and license of Premier Rx

1 Wholesale LLC. These purchases comprised almost half of Garden Grove Community
2 Pharmacy's HIV drug inventory.

3 35. Garden Grove Community Pharmacy paid \$19,531,015.26 to the individuals or an
4 organization pretending to be Premier Rx Wholesale LLC. Garden Grove Community Pharmacy
5 paid for these purchases via checks signed by Vimal Bhanvadia or Shekha Patel. Garden Grove
6 Community Pharmacy also paid Premier Rx Wholesale LLC for drugs never shipped or received
7 by Garden Grove Community Pharmacy. Almost all of these HIV drugs or 9138 medication
8 packages were dispensed to patients.

9 36. Garden Grove Community Pharmacy received invoices and pedigrees¹ for these
10 drugs from individuals or an organization posing as Premier Rx Wholesale LLC. The invoices
11 and pedigrees listed a different physical and email address for Premier Rx Wholesale LLC, than
12 was listed on the Board's website and the out of state distributor license. Additionally, the
13 invoices listed a telephone number for another entity, Wealth Transfer Services Credit Repair in
14 Florida, as the telephone number for Premier Rx Wholesale LLC.

15 37. On December 9, 2019, Garden Grove Community Pharmacy asked Premier Rx
16 Wholesale LLC to confirm its physical address because the address for Premier Rx Wholesale
17 LLC listed on the Board's website was different than the address listed on the invoices. The
18 individuals or organization posing as Premier Rx Wholesale LLC did not provide an explanation
19 for the discrepancy and instead, merely re-sent a copy of Premier Rx Wholesale LLC's license.

20 38. On May 27, 2020, the manufacturer of a HIV medication drug, Biktarvy informed
21 Garden Grove Community Pharmacy that it may have purchased counterfeit or diverted drugs
22 from an unauthorized distributor, Premier Rx Wholesale LLC and requested that Garden Grove
23 Community Pharmacy quarantine bottles of Biktarvy purchased from Premier Rx Wholesale
24 LLC.

25 39. In June 2020, Garden Grove Community Pharmacy continued to pay the individuals
26 or organization posing as Premier Rx Wholesale LLC's invoices and expressed its desire to

27 _____
28 ¹ A drug pedigree is a statement of origin that identifies each prior sale, purchase, or trade
of a drug, including the date of those transactions and the names and addresses of all parties.

1 “reengage” with Premier Rx Wholesale LLC to purchase more drugs. After receiving notice that
2 the Board was investigating Garden Grove Community Pharmacy for its dispensing of a bottle of
3 Biktary with just rocks in it, Garden Grove Community Pharmacy finally informed the
4 individuals or organization posing as Premier Rx Wholesale LLC that it would no longer
5 purchase drugs from Premier Rx Wholesale LLC, noting “there are concerns around product
6 integrity with Premier’s supply chain. As previously discussed, patient safety is our number one
7 priority and therefore we will be suspending purchases from Premier until further notice. Our
8 primary responsibility is to mitigate any risk to our patients and ensure compliance with BOP
9 regulations.”

10 40. On July 15, 2020, the Board issued a notice of non-compliance with Pharmacy Law
11 to Garden Grove Community Pharmacy for purchasing drugs from an unlicensed wholesaler,
12 Premier Rx Wholesale LLC.

13 41. On July 20, 2020, Garden Grove augmented its procedures for purchasing drugs from
14 secondary wholesalers, to include a requirement to quarantine drugs purchased from wholesalers
15 whose address on invoices and pedigrees did not match the address on their license and the
16 Board’s website.

17 42. On September 3, 2020, the manufacturer of Biktary notified Garden Grove
18 Community Pharmacy that its investigation into the potentially counterfeit or diverted drugs sold
19 by Premier Rx Wholesale LLC was on-going. The manufacturer advised Garden Grove
20 Community Pharmacy that drugs sold by Premier Rx Wholesale LLC were “sourced from non-
21 [manufacturer] authorized distributors which increases the risks that these bottles are suspect or
22 illegitimate. If you chose to dispense the [potentially counterfeit or diverted drugs], be aware of
23 the serious risks, both to patients’ health and to Garden Grove’s ability to operate as a pharmacy,
24 associated with selling counterfeit medications.”

25 43. Nonetheless, Garden Grove Community Pharmacy continued to dispense drugs
26 purchased from the individuals or an organization posing as Premier Rx Wholesale LLC to
27 patients until December 30, 2020.

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FIRST CAUSE FOR DISCIPLINE

**(Purchased and/or Warehoused Dangerous Drugs
From Unlicensed Wholesaler Against Respondents)**

44. Respondents are subject to disciplinary action under Code section 4301, subdivisions (j) and (o), for violating Business and Professions Code section 4169, subdivision (a)(1), because they purchased and/or warehoused drugs from unlicensed individuals or an organization, as described above in paragraphs 29 through 43.

SECOND CAUSE FOR DISCIPLINE

(Held or Offered for Sale Adulterated Drugs Against Respondents)

45. Respondents are subject to disciplinary action under Code section 4301, subdivisions (j) and (o), for violating Health and Safety Code section 111295 and Code section 4169, subdivision (a)(2), in that they held or offered for sale dangerous drugs that were adulterated within the meaning of Health and Safety Code section 111255, as described above, in paragraphs 29 through 43.

THIRD CAUSE FOR DISCIPLINE

(Sold or Delivered Adulterated Drugs Against Respondents)

46. Respondents are subject to disciplinary action under Code section 4301, subdivisions (j) and (o), for violating Health and Safety Code section 111295 and Code section 4169, subdivisions (a)(2), in that they sold or delivered dangerous drugs that were adulterated within the meaning of Health and Safety Code section 111255 and sold them after the beyond use date, as described above, in paragraphs 29 through 43.

FOURTH CAUSE FOR DISCIPLINE

**(Inappropriate Exercise of Education, Training or Experience
Against Respondent Shekha Dashrath)**

47. Respondent Shekha Patel is subject to disciplinary action under Code section 4301, subdivisions (j) and (o), for violating Business and Professions Code section 4306.5, subdivision (a), because she inappropriately exercised her education, training, or experience as a pharmacist when dispensing dangerous drugs, as described above, in paragraphs 29 through 43.

1 **FIFTH CAUSE FOR DISCIPLINE**

2 **(Unprofessional Conduct against All Respondents)**

3 48. Respondents are subject to disciplinary action under Code section 4301 for
4 unprofessional conduct because they engaged in the activities described above, in paragraphs 29
5 through 43.

6 **DISCIPLINE CONSIDERATIONS**

7 49. To determine the degree of discipline, if any, to be imposed on Respondents
8 Advantage Health Care HIV & Compounding, Inc., dba Garden Grove Community Pharmacy and
9 Shekha Dashrath Patel, Complainant alleges that on or about May 11, 2021, the Board issued
10 Citation and Fine No. CI 2019 88503 to Advantage Health Care HIV & Compounding, Inc., dba
11 Garden Grove Community Pharmacy for violating Business and Professions Code section 4169,
12 subdivision (a), purchasing thirty-six dangerous drugs from two unlicensed wholesalers and
13 Health & Safety Code sections 111250 and 111295 for dispensing an adulterated drug. That
14 Citation is now final. On May 11, 2021, the Board issued Citation No. CI 2020 91188 to Shekha
15 Dashrath Patel for violating Business & Professions Code section 4169, subdivision (a),
16 purchasing thirty-six dangerous drugs from two unlicensed wholesaler. That Citation is now
17 final.

18 **OTHER MATTERS**

19 50. Pursuant to Code section 4307, if discipline is imposed on Pharmacy Permit No. PHY
20 51109 issued to Advantage Health Care HIV & Compounding, Inc., dba Garden Grove
21 Community Pharmacy, it shall be prohibited from serving as a manager, administrator, owner,
22 member, officer, director, associate, or partner of a licensee for five years if Pharmacy Permit
23 Number PHY 51109 is placed on probation or until the Pharmacy Permit is reinstated if it is
24 revoked.

25 51. Pursuant to Code section 4307, if discipline is imposed on Pharmacy Permit No. PHY
26 51109 issued to Advantage Health Care HIV & Compounding, Inc., dba Garden Grove
27 Community Pharmacy while Vimal Bhanvadia has been a manager, owner, officer or director and
28 had knowledge of or knowingly participated in any conduct for which the licensee was

1 disciplined, he shall be prohibited from serving as a manager, administrator, owner, member,
2 officer, director, associate, or partner of a licensee for five years if the Pharmacy Permit is placed
3 on probation or until the Pharmacy Permit is reinstated, if it is revoked.

4 52. Pursuant to Code section 4307, if discipline is imposed on Pharmacy Permit No. PHY
5 51109 issued to Advantage Health Care HIV & Compounding, Inc., dba Garden Grove
6 Community Pharmacy while Shekha Dashrath Patel has been a manager, administrator, owner,
7 member, officer or director and had knowledge of or knowingly participated in any conduct for
8 which the licensee was disciplined, she shall be prohibited from serving as a manager,
9 administrator, owner, member, officer, director, associate, or partner of a licensee for five years if
10 the Pharmacy Permit is placed on probation or until the Pharmacy Permit is reinstated, if it is
11 revoked.

12 53. Pursuant to Code section 4307, if discipline is imposed on Pharmacist License No.
13 RPH 60337 issued to Shekha Dashrath Patel, she shall be prohibited from serving as a manager,
14 administrator, owner, member, officer, director, associate, or partner of a licensee for five years if
15 the Pharmacist License is placed on probation or until the Pharmacist License is reinstated, if it is
16 revoked.

17 **STATEMENT OF ISSUES AGAINST:**

18 **ADVANTAGE HEALTH CARE SERVICES-MISSION, INC., DBA MISSION PLAZA**

19 **PHARMACY 3**

20 **CAUSE FOR DENIAL**

21 **(Various)**

22 54. Respondent Advantage Health Care Services-Mission, Inc., dba Mission Plaza
23 Pharmacy 3's application is subject to denial under Code sections 4300, subdivision (c), 4301,
24 subdivisions (j) and (o) and 4302 for violating the statutes referenced in the Accusation, which
25 are incorporated herein by reference.

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Number RPH 60337 is placed on probation or until the Pharmacist License is reinstated, if it is revoked;

7. Ordering Advantage Health Care HIV & Compounding, Inc., dba Garden Grove Community Pharmacy and Shekha Dashrath Patel to pay the Board of Pharmacy the reasonable costs of the investigation and enforcement of this case, pursuant to Business and Professions Code section 125.3;

8. Denying the Application of Advantage Health Care Services-Mission, Inc., dba Mission Plaza Pharmacy 3 for a pharmacy permit;

9. Denying the Application of AHCS Specialty Care, LLC for a pharmacy permit; and,

10. Taking such other and further action as deemed necessary and proper.

DATED: 3/24/2022

Signature on File

ANNE SODERGREN
Executive Officer
Board of Pharmacy
Department of Consumer Affairs
State of California
Complainant

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